DETAILED ACTION

1. This is in reply to amendment after non-final rejection filed on 10/08/2008.

    Claims 1, 5, 13, 15, 43-56, 60, 76 and 84 are canceled and new dependent

    claims **88-93** are added. Thus claims **2-4, 6-12,14,16-42, 57-59, 61-75, 77-**

    83 and 85-93 are pending.

Priority

2. This application claims priority of a provisional application, application No.

    60/429754 filed on **November 27, 2002**. Therefore, the effective filling date for

    the subject matter defined in the pending claims of this application is

    11/27/2002.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes

and/or additions be unacceptable to applicant, an amendment may be filed as

provided by 37 CFR 1.312. To ensure consideration of such an amendment, it

MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview

with Michael Ari Behar Reg. No 58,203 on 12/4/2008.

The application has been amended as follows: In the claims

2.   (Currently Amended) A method of generating an identity authentication code associated with an authentication device, comprising:

providing event state data that specifies an operating condition of the authentication device, the operating condition specifying information on the likelihood that the authentication device has or will develop an operational problem; and ¸

generating an identity authentication code that depends on (i) the event state data, and (ii) a secret associated with the device;

wherein the operating condition of the authentication device includes information about whether a battery supplying power to the authentication device has fallen below an expected power level.

	Deleted:

11.   (Canceled)

14.   (Canceled)

26.   (Canceled)

27.   (Currently Amended) Please delete of claim 26, and replace it with claim 33.

29.   (Currently Amended) Please delete of claim 26, and replace it with claim 33.

30.   (Currently Amended) Please delete of claim 26, and replace it with claim 33.

31.   (Currently Amended) Please delete of claim 26, and replace it with claim 33.

32.   (Currently Amended) Please delete of claim 26, and replace it with claim 33.

35.   (Currently Amended) Please delete of claim 26, and replace it with claim 33.

36.   (Currently Amended) Please delete of claim 26, and replace it with claim 33.

38.   (Currently Amended) Please delete of claim 26, and replace it with claim 33.

57.   (Currently Amended) A method of generating an identity authentication code associated with an authentication device, comprising:

providing event state data that specifies information about environmental conditions associated with the authentication device; and,

generating an identity authentication code that depends on (i) the event state data, and (ii) a secret associated with the device;

, wherein the information includes temperature characteristics associated with the authentication device.

> **Deleted:** wherein the temperature characteristics include an ambient temperature to which the authentication device is exposed

73.   (Currently Amended) A method for verifying the correctness of an identity authentication code, comprising:

receiving authentication information including the identity authentication code generated by an authentication device that depends on (i) a secret associated with the device, and (ii) event state data that specifies an operating condition of the authentication device, the operating condition specifying information on the likelihood that the authentication device has or will develop an operational problem; and

verifying the correctness of the identity authentication code, and determining the condition of the authentication device in response to the received identity authentication code;

wherein the operating condition of the authentication device includes information about whether a battery supplying power to the authentication device has fallen below an expected power level.

86. (Currently Amended) Please delete of claim 26, and replace it with claim 33.

Allowable Subject Matter

Note: In view of the updated search and the new reference/s (Patent No.

5768382) found, Examiner and applicant's representative agreed to make the

following **examiner amendment, shown above.**

Claim 2 is amended to include the limitations previously found in canceled

dependent claim 14. Claim 73 is also amended to include the limitations

previously found in claim 14. Claim 14 is therefore now canceled.

Claim 26 is canceled. Claims which previously depended from claim 26

(including claims 27, 29-32, 35-36, 38, and 86) are amended to depend from

allowed claim 33. However, claim

11 is canceled (instead of being made dependent on claim 33).

Claim 57 is amended to correct an error. Although the Amendment filed on

October 8, 2008 indicated in the remarks that claim 57 was being amended to

incorporate limitations previously found in canceled claim 60, claim 57 was

previously erroneously amended to included the limitations of claim 61. Thus,

the current Amendment corrects that error by amending claim 57 to recite the

limitations previously found in canceled dependent claim 60 rather than the

limitations found in dependent claim 61.

3.   **Claims 2-4, 6-10, 12,16-25, 27-42, 57-59, 61-75, 77-83 and 85-93** are
       allowed.

4.   The following is an examiner's statement of reasons for allowance:

5.   **Independent claims 2, 33, 34, 57, 63, 64, 73, 83 and 85** are allowed for the
         following reason/s.

Referring to the independent claims 2 and 73, (Note: these claims have been allowed in the previous office action, however based the reference found in the updated search, the claims have been further amended and incorporated the limitation of the previous dependent claim 14) the art on the record does not disclose the following functional limitation,

"wherein the operating condition of the authentication device includes information about whether a battery supplying power to the authentication device has fallen below an expected power level."

Referring to the independent claims 83, Applicants have amended independent claim 26 to incorporate all of the limitations previously found in allowable dependant claim 13 (now canceled) and any intervening claims. In particular the art on the record does not discloses the following functional limitation,

generating the event state data using a funkspiel scheme;

wherein the security indicator includes information about whether the device has been subjected to tampering

Referring to the respective independent claims 33, (Note: this claim was previously dependent claim 33 and was objected and found allowable dependent claim. Applicant's representative re-writes the claim in independent form incorporating it into the previous independent claim 26.) the art on the record does not disclose the following functional limitation, which was previously recited in former dependent claim 33,

wherein the security indicator includes information regarding a length of time
the authentication device has been inserted into a device reader

Referring to the respective independent claims 34, (Note: this claim was
previously dependent claim 34 and was objected and found allowable
dependent claims. Applicant's representative re-writes the claim in
independent form incorporating it into the previous independent claim 26.) the
art on the record does not disclose the following functional limitation, which
was previously recited in former dependent claim 34,
wherein the security indicator includes information regarding a protection level
of the secret associated with the device

Referring to the respective independent claims 57, Applicants have
amended independent claim 57 to incorporate all of the limitations previously
found in allowable dependant claim 60 (now canceled). In particular the art on
the record does not discloses the following functional limitation,
wherein the information includes temperature characteristics associated with
the authentication device.

Referring to the respective independent claims 85, the claims also
contains similar functional limitation as that of claim 57.

Referring to independent claims 63, (Note: this claim was previously
dependent claim 63 and was objected and found allowable dependent

claims. Applicant's representative re-writes the claim in independent form incorporating it into the previous independent claim 57.) the art on the record does not disclose the following functional limitation, which was previously recited in former dependent claim 63,

wherein the information includes radiation levels to which the authentication device has been exposed

Referring to independent claim 64, (Note: this claim was previously dependent claim 64 and was objected and found allowable dependent claims. Applicant's representative re-writes the claim in independent form incorporating it into the previous independent claim 57.) the art on the record does not disclose the following functional limitation, which was previously recited in former dependent claim 64,

wherein the information indicates whether static discharge to the device has occurred

None of the prior art of record taken singularly or in combination teaches or suggests a method of a method of generating an identity authentication code associated with an authentication device, comprising the above functional limitations recited in the respective independent claims together with other limitation recited in independent claims **2, 33, 34, 57, 63, 64, 73, 83 and 85**. For this reason, independent claims **2, 26, 33, 34, 57, 63, 64, 73, 83 and 85** are found to be novel and are allowed.

6.   The dependent **claims** which are dependent on the above **independent claim**

2, 33, 34, 57, 63, 64, 73, 83 and 85 being further limiting to the independent

claim, definite and enabled by the specification are also allowed.

Any comments considered necessary by applicant must be submitted no later

than the payment of the issue fee and, to avoid processing delays, should

preferably accompany the issue fee. Such submission should be clearly labeled

"Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Samson B Lemma whose telephone number is
571-272-3806. The examiner can normally be reached on Monday-Friday (8:00
am---4: 30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax
phone number for the organization where this application or proceeding is
assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-
free).

11/15/2008

/Samson B Lemma/

Examiner, Art Unit 2432

/Gilberto Barron Jr/

Supervisory Patent Examiner, Art Unit 2432